

ENTERED

June 24, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JEAN RICOT NOEL,
A # 213559139, §
Petitioner/Plaintiff, §
VS. §
CHAD WOLF, ACTING SECRETARY, §
U.S. DEPARTMENT OF HOMELAND §
SECURITY, *et al.* §
Respondents/Defendants. §
CIVIL ACTION NO. 4:20-2149

ORDER TO ANSWER

Petitioner Jean Ricot Noel, an immigrant detainee and Haitian national who has requested political asylum in the United States, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 and a complaint for injunctive relief (Dkt. 7). Noel has paid the filing fee. Based on the Court's preliminary examination of the petition, an answer is needed. Therefore, pursuant to 28 U.S.C. § 2241, *et seq.*, the Court **ORDERS** as follows:

1. The Clerk will deliver copies of the petition (Dkt. 7), the motion for a temporary restraining order (Dkt. 8), and this order to the United States Attorney for the Southern District of Texas, Ryan Patrick, by mail to the Civil Process Clerk, 1100 Louisiana St., Houston, TX 77002, and by electronic mail to USATXS.CivilNotice@usdoj.gov.

2. The Clerk will serve copies of the petition (Dkt. 7), the motion for a temporary restraining order (Dkt. 8), and this order by certified mail upon: (1) Chad Wolf, Acting Secretary of the Department of Homeland Security, Washington, DC 20528; (2) Matthew Albence, Acting Director, U.S. Immigration and Customs Enforcement, 500 12th Street N.W., Washington, DC 20536; (3) Patrick Contreras, Field Office Director, U.S. Immigration and Customs Enforcement, 126 Northpoint, Houston, Texas 77060; and (4) Warden Randy Tate, 500 Hilbig Rd., Conroe, TX 77301.

3. The proper respondent must file an answer or other appropriate responsive pleading within sixty (60) days of the date of service and to forward a copy of same to the petitioner. The respondent is advised that under Rule 12(d) of the Federal Rules of Civil Procedure, if matters outside the pleadings are relied upon, any dispositive motion will be treated as a motion for summary judgment and should be entitled as such.

4. In addition to any defense (in law or fact) to a claim for relief by the petitioner, the respondent's answer must contain: (a) a statement of the authority by which the petitioner is held and, if held under the judgment of a court or administrative tribunal, the name of such court or tribunal and the number and style of the case(s) in which those judgments were entered; and (b) a statement as to whether the petitioner has exhausted all available administrative remedies.

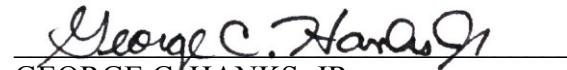
5. The petitioner must file a response within thirty (30) days to any dispositive motion filed by the respondent. The petitioner's failure to file a response within thirty days may result in dismissal of this action for want of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

6. Each party must serve the other party, or counsel, with a copy of every pleading, letter or other document submitted for consideration by the court; service will be by mail to the other party. Every pleading or document filed with the Clerk of Court must contain a signed certificate stating the date a true and correct copy of the pleading or document was mailed and to whom mailed. Any pleading or other document received by the Clerk that fails to include the certificate of service will be returned to the submitting party. Failure to mail a copy of the pleadings as certified by the certificate will subject the petitioner to sanctions by the court. There will be no direct communications with the U.S. District Judge or Magistrate Judge. Communications must be submitted to the Clerk with copies to the other party.

7. The petitioner must notify the court of any change of address by filing a written notice of change of address with the Clerk. The petitioner must also notify any counsel of record for the respondent. Failure to provide such notice may result in this case being dismissed for want of prosecution.

The Clerk will provide a copy of this order to the parties.

SIGNED at Houston, Texas, this 23rd day of June, 2020.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE